

REMARKS

Claims 13-24 are pending. Claim 13 is amended herein. Support for the amendments to Claim 13 may be found, for example, at page 2, paragraph 5, lines 20-23, of the specification as filed. Care has been taken to ensure that no new matter has been added.

Entry of the amendments and reconsideration of the Office Action of March 31, 2004 are respectfully requested in view of the following remarks.

Paragraphs 1-2 (Anticipation)

Claims 13-22 are rejected under 35 U.S.C. 102(b) over US Patent No. 5,058,525 (Rilling).

According to the Examiner, Rilling teaches the all of the elements of the present apparatus claim. Further, according to the Examiner, Applicants cannot argue that the elements are used differently, if the present claims recite the *same structures* as Rilling, since the claims are directed to these elements rather than to the method of use.

Applicants respectfully traverse the rejection on the grounds that the claims, as amended herein, include structural elements that are not taught or suggested by Rilling.

Riling, like the present invention, is directed to a method for detecting possible tampering of a metering device. However, Rilling achieves this task in a manner quite different from the present invention and using structures different from the present invention.

The presently amended claims recite a supply meter that comprises a display device for displaying the amount of a medium that has passed through the supply meter, the supply meter further comprising a verification code display device that is located on a separate body from the gear of the consumed-amount display-device. The verification code display device is mechanically linked to a gear of the display device by a gear connection means. The translation relationship between the gear and the verification code display device is freely selectable depending upon the construction design of the gear connection means. As disclosed at paragraph 5, the term "freely translatable" includes varying the translation relation over an order of magnitude (1:10), e.g. 1:3.5.

In contrast, Rilling teaches a supply meter with a consumed-amount display-device and a verification code display device that is located on the same body as the drive means for the consumed-amount display-device. In Rilling, the coding means are fixed to the gear wheels of the consumed-amount display-device (see col. 3, lines 38-42, and Figs. 2-6).

Thus, Rilling fails to disclose a "gear connection means" in the form of a mechanical link between the drive means of the consumed-amount display-device and a verification code display device located on a different body.

In this regards, Applicants assert that the gear train 36 of Rilling is not equivalent to the gear connection means of the present claims because, as shown in the present specification at Fig. 2 and as disclosed at paragraph 8, drive means 1 for the consumed-amount display-device, gear connection means 2, and

verification code display device 3, are separate bodies, each of which forms a separate structural element of the presently claimed invention.

Further, the fixed arrangement taught by Rilling requires a translation relationship between the consumed-amount display-device and the verification code display device that is fixed at 1:1. As mentioned above, the term "freely translatable", as the term is used in the instant application, includes varying the translation relation over an order of magnitude (1:10), e.g. 1:3.5 (see paragraph 5).

The translation relationship simply cannot be made freely selectable while the verification code display device is located on the same body as the consumed-amount display-device. The Examiner cites the teaching at col. 2, lines 31-34 of Rilling that the pointers 34 are friction mounted on their respective shaft for the proposition that Rilling teaches a freely selectable relationship between the drive means and the and the verification code display device. Applicants respectfully disagree because the relative motion of pointers on their shafts cannot alter the translation relationship from 1:1. Therefore Rilling does not teach or suggest a freely selectable translation relationship between the drive means and the verification code display device.

Accordingly, Applicants assert that the present claims are not anticipated by Riling. Withdrawal of the rejection under 35 U.S.C. § 102(b) is respectfully requested.

Paragraphs 3-4 (Obviousness)

Claims 23 and 24 are rejected under 35 USC 103(a) as being unpatentable over Riling in view of (Churher) US Patent No. 1,607,512.

Applicants respectfully traverse the rejection on the grounds that the Examiner has not carried her burden in making out a *prima facie* case of obviousness because Churher fails to remedy the deficiencies noted above in Rilling. Specifically, neither reference teaches or suggests a gear connection means for mechanically linking a separate verification code display device with the consumed-amount display-device, or a freely selectable translation relationship between the gear and the verification code display device.

Rilling does not give any suggestion as to provide a supply meter with a freely selectable translation relationship between the drive means and the verification code display device. Riling does not mention any freely selectable translation relationship. Even the translation relationship between gears of the consumed-amount display-device is not described as being freely selectable. Only the translation relationship of 1:10 is mentioned. Therefore, from Riley it would seem fully sufficient to a skilled person to use a fixed translation relationship to detect tampering with the device.

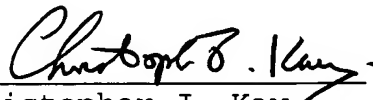
Accordingly, withdrawal of the rejection is respectfully requested. Favorable consideration and early issuance of the Notice of Allowance are respectfully requested.

U.S. Application No.: 10/088,626
AMENDMENT C

Attorney Docket: 3960.010

Respectfully submitted,

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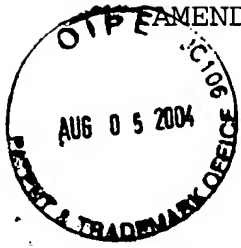

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Dated: August 2, 2004

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AMENDMENT C

Attorney Docket: 3960.010



CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing AMENDMENT C for U.S. Application No. 10/088,626 filed March 18, 2002, were deposited in first class U.S. mail, postage prepaid, Mail Stop: Amendment, Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria VA 22313-1450, on **August 2, 2004**.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application, except for the issue fee, without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.

Christopher J. Kay

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